

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

America E. Nelson, M.D.

Case No.: HK03-02552

Ch. 7

Debtor(s).

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

**NOTICE IS HEREBY GIVEN THAT A HEARING** will be held before the Hon. Jeffrey R. Hughes at the United States Bankruptcy Court, 114 U.S. Courthouse and Federal Building, 410 W. Michigan Ave., Kalamazoo, Michigan on September 23, 2004 at 12:30 p.m. to consider and act upon the following matter:

**TRUSTEE'S SECOND MOTION FOR AUTHORITY  
TO SELL REAL PROPERTY OF THE ESTATE**

If you want the court to consider your views on this matter, attend the hearing on the date stated above.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)

You or your attorney may wish to file a written response to the motion explaining your position. Any response shall be mailed to the Clerk of the United States Bankruptcy Court, Post Office Box 3310, Grand Rapids, Michigan 49501, and should be received by the Clerk at least 3 (three) days before the above hearing date.

If you or your attorney do not take these steps, the court may decide to grant the relief sought in the motion and may enter an order granting relief requested.

NOTICE IS HEREBY GIVEN that the court may, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be obtained at the Clerk's office from the court files or docket.

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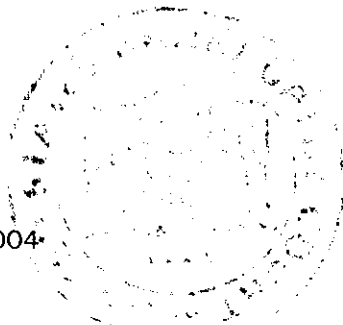
A copy of this notice returned by the court (kmt) on August 24, 2004 to Stephen L. Langeland, Esq. for service of notice and motion upon the matrix. Court to serve Buyer's List.

Daniel M. LaVille, Clerk of Court

*Kathleen M. Trapp*

Kathleen M. Trapp, Deputy Clerk

August 24, 2004



UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

IN RE:

AMERICA E. NELSON, M.D.  
Debtor.

Case No.: HK 03-02552

Chapter 7

Hon. Jeffrey R. Hughes

Date Filed: February 28, 2003

FILED  
04 AUG 23 AM 8:22  
DANIEL J. LANGLAND, CLERK  
U.S. BANKRUPTCY COURT  
WEST. DIST. OF MICH.

**TRUSTEE'S SECOND MOTION FOR AUTHORITY TO SELL REAL  
PROPERTY OF THE ESTATE**

Stephen L. Langeland, Trustee, moves for a sale of real property of the estate pursuant to 11 U.S.C. Section 363 as follows:

1. He is the duly appointed and acting Chapter 7 trustee in this case filed under Chapter 7 on February 28, 2003.

2. Included in the property in this estate is the following described real property of the debtor

Lot 14, Block 2, Village of Baldwin, Lake County, Michigan.

herein "Real Estate".

3. The Trustee received an offer to purchase this property from The Edith B. Mitchell Trust, U.D. 12/16/03 through its Trustee, Edith B. Mitchell for the sum of EIGHT THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$8,500.00).

4. Alphonse Lewis, Jr. holds a judgment lien against the real estate as security for an alleged claim in the amount of \$281,459.00. The validity of this lien is subject to a bona fide dispute. Notwithstanding the dispute, Mr. Lewis has agreed that the estate may retain the minimum sum of \$1,500.00 as a carve out for the benefit of this estate and its creditors.

5. The Trustee proposes that the real estate be offered for sale in open Bankruptcy Court on the following terms:

a) Bidding will commence at \$8,500.00 with subsequent bids in increments of not less than \$500.00.

b) The sale shall be on a cash basis with the successful bidder being required to make payment in full in cash or certified funds upon closing. No contingent bids shall be received.

c) The real estate will be sold on an "as is" "where is" basis, without representation or warranty, express or implied, of any kind, nature or description, including, but not limited to any warranty be description or marketability, merchantability or usability or a fitness for any purposes.

d) The Trustee shall not be required to inspect or test or report on the condition of the real estate or the existence of any possible defects in the real estate or contamination of the real estate.

e) The sale shall be consummated by delivery to the purchaser of a Trustee's Deed to the property without warranty of title.

f) Possession shall be given to the purchaser as of the date of closing

g) That the net proceeds of the sale shall be distributed to secured creditors at the time of closing in the same rank, validity and priority as existed pre-petition.

h) The above described real estate shall be sold free and clear of all liens, encumbrances, claims and/or interest therein pursuant to 11 U.S.C. Section 363(f), with said liens, encumbrances, claims and/or interests attaching to the sale proceeds of the same order, validity, rank, and priority as now exists in the real estate. Any and all liens, claims and encumbrances shall be discharged when a copy of a subsequent order confirming sale, is entered by this Court, is recorded along with the Trustee's Deed at the Register of Deed's Office.

i) The expenses of custody, protection and insurance or sale of real estate as well as expenses of sale, including administrative and legal expenses of these proceedings relating to the protection of sale of said real estate, shall be charged against the sale proceeds with priority of the lien creditors of the claimants.

j) Arrangements for inspection of the real estate to be sold can be made by contacting Stephen L. Langeland, Trustee, 350 E. Michigan Avenue, Ste. 130, Kalamazoo, MI 49007, telephone 269/382-3703.

k) Any person objecting to the validity, proprietary or legality and/or having any objection of any kind to the sale as described herein, shall file a written objection to the sale on or before five (5) business days before the date set for the hearing on this Motion and simultaneously serve copies on the attorney for the Trustee and the Trustee at the addresses listed in this Motion, in accordance with Federal Rule of Bankruptcy Procedure 6004(b).

6. The Trustee reserves the right to withdraw this Motion at any time prior to completion of the hearing thereon.

7. The Trustee believes that the sale of the real estate pursuant to the terms herein is in the best interest of the estate and its Creditors.

**WHEREFORE**, Stephen L. Langeland, Trustee, prays:

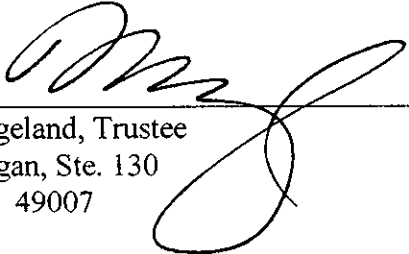
A. That this Court authorize the sale of the real property by the terms and conditions set forth herein to The Edith B. Mitchell Trust, U.D. 12/16/03 for the sum of \$8,500.00, or to any other purchaser who may pay additional sums as may be bid at the sale;

B. That the Trustee be authorized to execute a Trustee's Deed or such other conveyance document in conformance with the within terms.

C. That the Trustee be authorized, without further order of this Court, to pay the costs and expenses needed in order for closing to take place, including, but not limited to the payment of the customary seller's expenses, such as title insurance premium, transfer taxes, etc.

D. That the Court grant such other and further relief as it deems just and equitable.

Dated: August 20, 2004



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Stephen L. Langeland, Trustee  
350 East Michigan, Ste. 130  
Kalamazoo, MI 49007  
269/382-3703